



Filed: 3/21/2007

09500HB1881ham001

LRB095 03849 HLH 33782 a

1 AMENDMENT TO HOUSE BILL 1881

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1881 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 11-20-7 and 11-20-12 as follows:

6 (65 ILCS 5/11-20-7) (from Ch. 24, par. 11-20-7)

7 Sec. 11-20-7. The corporate authorities of each  
8 municipality may provide for the cutting of weeds or grass, the  
9 trimming of trees or bushes, and the removal of nuisance bushes  
10 or trees in the municipality, when the owners of real estate  
11 refuse or neglect to cut, trim, or remove them and to collect  
12 from the owners of private property the reasonable cost  
13 thereof. This cost is a lien upon the real estate affected,  
14 superior to all other liens and encumbrances, except tax liens;  
15 provided that within 60 days after such cost and expense is  
16 incurred the municipality, or person performing the service by

1 authority of the municipality, in his or its own name, files  
2 notice of lien in the office of the recorder in the county in  
3 which such real estate is located or in the office of the  
4 Registrar of Titles of such county if the real estate affected  
5 is registered under the Torrens system. The notice shall  
6 consist of a sworn statement setting out (1) a description of  
7 the real estate sufficient for identification thereof, (2) the  
8 amount of money representing the cost and expense incurred or  
9 payable for the service, and (3) the date or dates when such  
10 cost and expense was incurred by the municipality. However, the  
11 lien of such municipality shall not be valid as to any  
12 purchaser whose rights in and to such real estate have arisen  
13 subsequent to the cutting of weeds or grass, the trimming of  
14 trees or bushes, or the removal of nuisance bushes or trees  
15 ~~weed cutting~~ and prior to the filing of such notice, and the  
16 lien of such municipality shall not be valid as to any  
17 mortgagee, judgment creditor or other lienor whose rights in  
18 and to such real estate arise prior to the filing of such  
19 notice. Upon payment of the cost and expense by the owner of or  
20 persons interested in such property after notice of lien has  
21 been filed, the lien shall be released by the municipality or  
22 person in whose name the lien has been filed and the release  
23 may be filed of record as in the case of filing notice of lien.

24 The cost of the cutting, trimming, or removal of weeds,  
25 grass, trees, or bushes shall not be lien on the real estate  
26 affected unless a notice is personally served on, or sent by

1 certified mail to, the person to whom was sent the tax bill for  
2 the general taxes on the property for the last preceding year.  
3 The notice shall be delivered or sent after the cutting,  
4 trimming, or removal of weeds, grass, trees, or bushes on the  
5 property. The notice shall state the substance of this Section  
6 and the substance of any ordinance of the municipality  
7 implementing this Section and shall identify the property, by  
8 common description, and the location of the weeds to be cut.

9 (Source: P.A. 88-355.)

10 (65 ILCS 5/11-20-12) (from Ch. 24, par. 11-20-12)

11 Sec. 11-20-12. The corporate authorities of each  
12 municipality may provide for the removal of elm trees infected  
13 with Dutch elm disease or ash trees infected with the emerald  
14 ash borer (Agrilus planipennis Fairmaire) from property not  
15 owned by the municipality or dedicated for public use when the  
16 owner of such property refuses or neglects to remove any such  
17 tree, and to collect from the property owner the reasonable  
18 cost thereof. This cost is a lien upon the real estate  
19 affected, superior to all other liens and encumbrances, except  
20 tax liens; provided that notice has been given as hereinafter  
21 described, and further provided that within 60 days after such  
22 cost and expense is incurred the municipality, or person  
23 performing the service by authority of the municipality, in his  
24 or its own name, files notice of lien in the office of the  
25 recorder in the county in which such real estate is located or

1 in the office of the Registrar of Titles of such county if the  
2 real estate affected is registered under "An Act concerning  
3 land titles", approved May 1, 1897, as amended. The notice  
4 shall consist of a sworn statement setting out (1) a  
5 description of the real estate sufficient for identification  
6 thereof, (2) the amount of money representing the cost and  
7 expense incurred or payable for the service, and (3) the date  
8 or dates when such cost and expense was incurred by the  
9 municipality. However, the lien of such municipality shall not  
10 be valid as to any purchaser whose rights in and to such real  
11 estate have arisen subsequent to the tree removal and prior to  
12 the filing of such notice, and the lien of such municipality  
13 shall not be valid as to any mortgagee, judgment creditor or  
14 other lienor whose rights in and to such real estate arise  
15 prior to the filing of such notice. Upon payment of the cost  
16 and expense by the owner of or persons interested in such  
17 property after notice of lien has been filed, the lien shall be  
18 released by the municipality or person in whose name the lien  
19 has been filed and the release may be filed of record as in the  
20 case of filing notice of lien.

21 The cost of such tree removal shall not be a lien upon the  
22 real estate affected unless a notice shall be personally served  
23 or sent by registered mail to the person to whom was sent the  
24 tax bill for the general taxes for the last preceding year on  
25 the property, such notice to be delivered or sent not less than  
26 30 days prior to the removal of the tree or trees located

1 thereon. The notice shall contain the substance of this  
2 section, and of any ordinance of the municipality implementing  
3 its provisions, and identify the property, by common  
4 description, and the tree or trees affected.

5 (Source: P.A. 83-358.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".